

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

|                          |   |                                    |
|--------------------------|---|------------------------------------|
| JOSEPH WATSON,           | ) |                                    |
|                          | ) | Civil Action No. 16 – 55J          |
| Plaintiff,               | ) |                                    |
|                          | ) | District Judge Kim R. Gibson       |
| v.                       | ) | Magistrate Judge Lisa Pupo Lenihan |
|                          | ) |                                    |
| SUPERINTENDENT TREVOR A. | ) |                                    |
| WINGARD, <i>et al.</i> , | ) |                                    |
|                          | ) |                                    |
| Defendants.              | ) |                                    |

**MEMORANDUM ORDER**

Plaintiff, Joseph Watson, initiated the instant prisoner civil rights action on February 26, 2016, (ECF No. 1), and in accordance with the Magistrate Judge’s Act, 28 U.S.C. § 636(b)(1), and Rules 72.C and 72.D of the Local Rules of Court, all pretrial matters were referred to United States Magistrate Judge Lisa Pupo Lenihan.

On May 31, 2016, Defendants filed a Motion to Dismiss Plaintiff’s Complaint for failure to state a claim, (ECF No. 22), and on August 29, 2016, the Magistrate Judge issued a Report and Recommendation recommending that Defendants’ Motion be denied in part and granted in part, (ECF No. 29). The parties were served with the Report and Recommendation and informed that they had until September 15, 2016 to file written objections. As of today, however, no objections have been filed.

Therefore, upon an independent review of the record and consideration of the Magistrate Judge’s Report and Recommendation, the following order is entered:

**IT IS HEREBY ORDERED** this 26<sup>th</sup> day of September, 2016, that Defendants' Motion to Dismiss (ECF No. 22) is denied with respect to Plaintiff's claims against Defendants Pritts, Snyder and Wingard relative to the June 2013 assault. It is also denied with respect to Plaintiff's access to courts claim against Defendant Dorr and his equal protection claim against Defendant Rinn. In all other respects, the Motion to Dismiss is granted.

**IT IS FURTHER ORDERED** that the Report and Recommendation (ECF No. 29) is adopted as the Opinion of this Court.

**AND IT IS FURTHER ORDERED** that this case is remanded back to the Magistrate Judge for all further pretrial proceedings.

By the Court:

A handwritten signature in black ink, appearing to read "Kim R. Gibson", written over a horizontal line.

Kim R. Gibson  
United States District Judge

cc: Joseph Watson  
EF-9383  
SCI Somerset  
1600 Walters Mill Road  
Somerset, PA 15510

Counsel of record